

#17/8
MB
01/22/01**MORRISON & FOERSTER LLP**

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OFFICIAL

To: Examiner Brett Nelson
USPTO

Facsimile: 703-308-4426
Phone: 703-306-3219

From: Paul S. Naik

Date: January 3, 2001

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Comments:**REFAX PER YOUR REQUEST**

Re: U.S. Serial No.: 09/202,035

Attorney Docket No.: 415852000100

Filing Date: December 17, 1998

Inventor: Jeffrey John GORMAN

Title: VIRAL PEPTIDES WITH STRUCTURAL HOMOLOGY TO PROTEIN G OF
RESPIRATORY SYNCYTIAL VIRUS

Papers enclosed herewith:

1. Transmittal Form- 1 page
2. Patent Application Fee Determination Record - 1 page
3. Fee Transmittal For FY 2001, plus duplicate copy - 2 pages
4. Preliminary Amendment including attachment listing claims presently under examination - 12 pages
5. Certificate of Limited Recognition Under 37 C.F.R. §10.9(b) - 1 page

PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box → ☒

Approved for use through 10/31/02. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

17

Application Number 09/202,035

Filing Date December 17, 1998

First Named Inventor Jeffrey John Gorman

Group Art Unit 1848

Examiner Name B. Nelson

Attorney Docket No. 415852000100

ENCLOSURES (check all that apply)☒ Fee Transmittal Form, & duplicate copy☐ Fee Attached☒ Preliminary Amendment☐ After Final☐ Affidavits/declarations☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/
Incomplete Application☐ Response to Missing Parts
under 37 CFR 1.52 or 1.53☐ Assignment Papers
(for an Application)☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a
Provisional Application☐ Power of Attorney, Revocation
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ After Allowance Communication to
Group☐ Appeal Communication to Board of
Appeals and Interferences☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☐ Other Enclosure(s) (please identify
below):

1. Patent Application Fee
Determination Record
2. Certificate of Limited Recognition
Under 37 C.F.R. §10.9b

Remarks

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm

or

Individual Name

Morrison & Foerster LLP 755 Page Mill Road, Palo Alto, California 94304

Paul S. Naik (Limited Recognition Under 37 C.F.R. §10.9(b), copy of certificate attached)

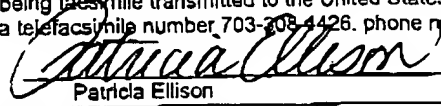
Signature

Date

January 2, 2001

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on January 2, 2001, to the attention of Examiner Brett Nelson via telefacsimile number 703-208-4426, phone number 703-306-3219.


 Patricia Ellison

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

PTO/SB/06 (08/00)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PATENT APPLICATION FEE DETERMINATION RECORD

Application or Docket Number

415852000100

CLAIMS AS AMENDED - In Response Filed November 21, 2000
(Column 1) (Column 2) (Column 3)

| AMENDMENT A | | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA |
|-------------|---|---|-------|---|------------------|
| | Total (37 CFR 1.16(c)) | 50 | Minus | 39 | =11 |
| | Independent (37 CFR 1.16(b)) | 2 | Minus | 3 | =0 |
| | FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d)) | | | | |

SMALL ENTITY

OR

OTHER THAN
SMALL ENTITY

| RATE | ADDI- TIONAL FEE |
|---------------------|------------------------|
| x\$9.00 | \$99.00 |
| x\$40.00 | \$0.00 |
| +\$135.00 | \$0.00 |
| TOTAL ADDIT. FEE | \$99.00 |

OR

OR

OR

OR

| RATE | ADDI- TIONAL FEE |
|---------------------|------------------------|
| \$18.00 | \$* |
| \$80.00 | \$* |
| +\$270.00 | \$* |
| TOTAL ADDIT. FEE | \$* |

(Column 1) (Column 2) (Column 3)

| AMENDMENT B | | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA |
|-------------|---|---|-------|---|------------------|
| | Total (37 CFR 1.16(c)) | 250 | Minus | 50 | =200 |
| | Independent (37 CFR 1.16(b)) | 2 | Minus | 3 | =0 |
| | FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d)) | | | | |

| RATE | ADDI- TIONAL FEE |
|---------------------|------------------------|
| x\$9.00 | \$1,800.00 |
| x\$40.00 | \$0.00 |
| +\$135.00 | \$0.00 |
| TOTAL ADDIT. FEE | \$1,800.00 |

OR

OR

OR

OR

| RATE | ADDI- TIONAL FEE |
|---------------------|------------------------|
| \$18.00 | \$* |
| \$80.00 | \$* |
| +\$270.00 | \$* |
| TOTAL ADDIT. FEE | \$* |

(Column 1) (Column 2) (Column 3)

| AMENDMENT C | | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA |
|-------------|---|---|-------|---|------------------|
| | Total (37 CFR 1.16(c)) | | Minus | | =* |
| | Independent (37 CFR 1.16(b)) | | Minus | | =* |
| | FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d)) | | | | |

| RATE | ADDI- TIONAL FEE |
|---------------------|------------------------|
| x\$9.00 | \$* |
| x\$40.00 | \$* |
| +\$135.00 | \$* |
| TOTAL ADDIT. FEE | \$* |

OR

OR

OR

OR

| RATE | ADDI- TIONAL FEE |
|---------------------|------------------------|
| \$18.00 | \$* |
| \$80.00 | \$* |
| +\$270.00 | \$* |
| TOTAL ADDIT. FEE | \$* |

- * If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
- ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20"
- *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3"

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

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PTO/SO/17 (09-00)
 Approved for use through 10/31/2002, OMB 0551-0032
 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
 Order the Applicant's Receipt and of 1980, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL FOR FY 2001

Patent fees are subject to annual revision.

Complete if Known

| | |
|----------------------|---------------------|
| Application Number | 09/202,035 |
| Filing Date | December 17, 1998 |
| First Named Inventor | Jeffrey John GORMAN |
| Examiner Name | B. Nelson |
| Group Art Unit | 1646 |
| Attorney Docket No. | 415852000100 |

TOTAL AMOUNT OF PAYMENT

(\$1,800.00)

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 03-1952

Deposit Account Name: Morrison & Foerster LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------|-----------------|----------------|-----------------|------------------------|----------|
| 101 | 710 | 201 | 355 | Utility filing fee | |
| 106 | 320 | 206 | 160 | Design filing fee | |
| 107 | 490 | 207 | 245 | Plant filing fee | |
| 108 | 710 | 208 | 355 | Reissue filing fee | |
| 114 | 150 | 214 | 75 | Provisional filing fee | |

SUBTOTAL (1) (\$0)

2. EXTRA CLAIM FEES

| Total Claims | 250 | - 50 = | 200 | x | 9 | = | \$1,800 |
|--------------------|-----|--------|-----|---|---|---|---------|
| Independent Claims | 2 | - 3 = | 0 | x | | = | \$0 |
| Multiple Dependent | | | | x | | = | \$0 |

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------|-----------------|----------------|-----------------|---|----------|
| 103 | 18 | 203 | 9 | Claims in excess of 20 | |
| 102 | 60 | 202 | 40 | Independent claims in excess of 3 | |
| 104 | 270 | 204 | 135 | Multiple dependent claims, if not paid | |
| 109 | 60 | 209 | 40 | Reissue independent claims over original patent | |
| 110 | 18 | 210 | 9 | Reissue claims in excess of 20 and over original patent | |

SUBTOTAL (2) (\$1,800.00)

* or number previously paid, if greater; For reissues, see above.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------|-----------------|----------------|-----------------|--|----------|
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for ex parte reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | |
| 116 | 390 | 216 | 195 | Extension for reply within second month | |
| 117 | 890 | 217 | 445 | Extension for reply within third month | |
| 118 | 1,390 | 218 | 695 | Extension for reply within fourth month | |
| 128 | 1,890 | 228 | 945 | Extension for reply within fifth month | |
| 119 | 310 | 219 | 155 | Notice of Appeal | |
| 120 | 310 | 220 | 155 | Filing a brief in support of an appeal | |
| 121 | 270 | 221 | 135 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1,240 | 241 | 620 | Petition to revive - unintentional | |
| 142 | 1,240 | 242 | 620 | Utility issue fee (or reissue) | |
| 143 | 440 | 243 | 220 | Design issue fee | |
| 144 | 600 | 244 | 300 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions of the Commissioner | |
| 123 | 50 | 123 | 50 | Petitions related to provisional applications | |
| 126 | 240 | 126 | 240 | Submission of Information Disclosure Sheet | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per properties (times number of properties) | |
| 146 | 710 | 246 | 355 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 710 | 249 | 355 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 710 | 279 | 355 | Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$0.00)

SUBMITTED BY

| | | | | | |
|-------------------|--------------|-----------------------------------|---|-----------|-----------------|
| Name (Print/Type) | Paul S. Nalk | Registration No. (Attorney/Agent) | Limited Recognition Under 37 C.F.R. §10.1(b) (copy of certificate attached) | Telephone | (650) 813-5704 |
| Signature | | | | Date | January 2, 2001 |

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